

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

IN RE:)	Chapter 11
)	
HOPEDALE MINING LLC, <i>et al.</i> ,)	Case No. 1:20-bk-12043 (GRH)
)	
Debtors. ¹)	(Jointly Administered)
)	
)	Hon. Guy R. Humphrey

GLASSRATNER ADVISORY &)	
CAPITAL GROUP, LLC d/b/a B. RILEY)	
ADVISORY SERVICES, the Liquidating)	
Trustee of the Hopedale Creditors' Trust,)	
)	
Plaintiff,)	Adv. Pro. No. 1:22-ap-01072
)	
v.)	
)	
WESTON ENERGY, LLC,)	
)	
Defendant.)	

**TRUSTEE'S MOTION TO EXTEND EXPERT
DISCOVERY DEADLINES AND SET A TRIAL DATE**

GlassRatner Advisory & Capital Group, LLC d/b/a B. Riley Advisory Services (the "Trustee" or the "Plaintiff"), solely in its capacity as the Liquidating Trustee of the Hopedale Creditors' Trust (the "Liquidating Trust"), pursuant to Federal Rules of Civil Procedure 6 and 40, made applicable to this adversary proceeding by Federal Rules of Bankruptcy Procedure 7040 and

¹ The Debtors in these chapter 11 cases are (with the last four digits of their federal tax identification numbers in parentheses): Rhino GP LLC (8619) Rhino Resource Partners LP (7517), Rhino Energy LLC (6320), Rhino Trucking LLC (8773), Rhino Exploration LLC (8863), Triad Roof Support Systems LLC (1183), Springdale Land LLC (9816), McClane Canyon Mining LLC (3783), Rhino Northern Holdings LLC (1858), CAM-Ohio Real Estate LLC (1859), CAM-Colorado LLC (4269), Taylorville Mining LLC (5106), CAM Coal Trading LLC (4143), Castle Valley Mining LLC (9495), Jewell Valley Mining LLC (0270), Rhino Services LLC (3356), Rhino Oilfield Services LLC (8938), Rhino Technologies LLC (0994), CAM Mining LLC (2498), Rhino Coalfield Services LLC (3924), Hopedale Mining LLC (9060), CAM-Kentucky Real Estate LLC (9089), CAM-BB LLC (9097), Leesville Land LLC (7794), CAM Aircraft LLC (5467), Pennyrite Energy LLC (6095), Rhino Eastern LLC (1457), Rockhouse Land LLC (7702).

9006, moves this Court for entry of an order² extending expert disclosure discovery and setting a trial date in the Spring of 2025.

RELEVANT PROCEDURAL BACKGROUND

1. Plaintiff filed its complaint in this Adversary Proceeding on July 21, 2022, almost two years ago, and Defendant filed its answer to the complaint on September 12, 2022.

2. On March 14, 2024, the Court entered an order dated March 14, 2024 (ECF No. 59) setting the following deadlines:

- **April 19, 2024 – fact discovery cutoff**
- **May 15, 2024 – supplemental disclosure cutoff**
- **June 15, 2024 – Plaintiff’s expert disclosure deadline**
- **August 1, 2024 – Defendant’s expert disclosure deadline**
- **September 30, 2024 – expert discovery cutoff**
- **November 1, 2024 – dispositive motion deadline**

3. While fact discovery closed on April 19, 2024, the Trustee agreed to a request by Weston to complete additional limited fact discovery outside the cutoff date through May 7, 2024 in exchange for an extension of the parties’ expert disclosure deadlines.

4. Since then, Weston, through its counsel, has further represented to Trustee’s counsel that it intends to seek relief from the Court relating to certain third-party fact discovery disputes between itself and Colbeck Capital Management, LLC.

5. Additionally, the parties have not yet received one of the deposition transcripts of a third-party witness and the Federal Rule 30(e) deadline to review and make changes to transcripts has not passed for another four deponents, including the Trustee’s witness whose deadline is June 5, 2024.

² Pursuant to section II(C)(5) of the Court’s Case Management Procedures [ECF No. 677], the Trustee states that a proposed order is not attached to this Motion as the relief requested herein will require significant direction from the Court such that any proposed order would need significant modification.

RELIEF REQUESTED

6. As a result of Weston's ongoing fact discovery endeavors and disputes and the fact that deposition transcripts are not yet final, relief from the operative case management schedule is necessary to allow sufficient time for the Trustee to confer with their retained expert witness(es) and proceed to the expert discovery phase of this proceeding.

7. The Trustee requests, and further understands that Weston does not oppose, the entry of an order: (i) scheduling this adversary proceeding for trial in the Spring of 2025, no later than April 2025 subject to the Court's availability,³ and (ii) extending the parties' expert discovery deadlines, and such other dates as may be appropriate and necessary based on the requested trial setting.

8. The Trustee asserts that neither party will be prejudiced by the relief requested herein.

WHEREFORE, the Trustee respectfully requests that the Court enter an order: (i) scheduling this matter for trial in the Spring of 2025 in accordance with the Court's availability, (ii) extending the parties' expert discovery and such other deadlines based upon the proposed Spring of 2025 trial date and ongoing fact discovery issues, and (iii) granting such other and further relief as the Court deems just and proper.

³ The Trustee does not anticipate any further delays in the current schedule and understands that Judge Humphrey will retire at the end of April 2025. The Trustee maintains that all parties would materially benefit from this Court's experience and history with this case during trial and thus request a trial date before Judge Humphrey leaves the bench.

Dated: May 9, 2024

**GLASSRATNER ADVISORY & CAPITAL GROUP,
LLC d/b/a B. RILEY ADVISORY SERVICES, the
Liquidating Trustee of the Hopedale Creditors' Trust**

By: /s/ DRAFT

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Trustee's Motion to Extend Expert Discovery Deadlines and Set a Trial Date* was served electronically on May 9, 2024 through the Court's ECF system on all parties in this proceeding at the email address registered with the court.

Dated: May 9, 2024

**GLASSRATNER ADVISORY & CAPITAL
GROUP, LLC d/b/a B. RILEY ADVISORY
SERVICES, the Liquidating Trustee of the
Hopedale Creditors' Trust**

By: /s/ T. Kent Barber, Esq.

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